UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,018	08/18/2003	Karen G. Klaers	1236USC1	2964

43896 7590 05/01/2008

ECOLAB INC.
MAIL STOP ESC-F7, 655 LONE OAK DRIVE
EAGAN, MN 55121

EXAMINER	
DELCOTTO, GREGORY R	

ART UNIT	PAPER NUMBER
1796	

MAIL DATE	DELIVERY MODE
05/01/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/643,018	KLAERS ET AL.	
	Examiner	Art Unit	
	Gregory R. Del Cotto	1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 January 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *25-28,30,34-37,39,40,42,44-48 and 50-62* is/are pending in the application.

4a) Of the above claim(s) *59-62* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *25-28,30,34-37,39,40,42,44-48 and 50-58* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 25-28, 30, 34-37, 39, 40, 42, 44-48, and 50-62 are pending. Applicant's arguments and amendments filed 8/8/07 have been entered. Claims 1-24, 29, 31-33, 38, 41, 43, and 49 have been canceled. Claims 59-62 have been withdrawn from consideration as being drawn to a non-elected invention.

Objections/Rejections Withdrawn

The following objections/rejections set forth in the Office action mailed 10/31/07 have been withdrawn:

The rejection of claims 57 and 58 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, has been withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application

> by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 25, 26, 28, 30, 39, 40, 42, 44-46, 50, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menke et al (US 5,759,974) in view of Lentsch et al (6,164,296) or Rolando et al (US 5,876,514).

Menke et al teach block-form cleaners for flush toilets which consist of at least two masses of different composition, one of the masses being at least partly surrounded by the other masses. See Abstract. Surfactants may be used in the compositions and include anionic, nonionic, cationic, and amphoteric surfactants. Suitable anionic surfactants include the alkyl benzene sulfonates containing C9-C15 as alkyl groups, etc. Suitable nonionic surfactants include adducts of 1 to 100 moles of ethylene oxide with 1 mole of an aliphatic or alkyl aromatic compound essentially containing 10 to 20 carbon atoms from the group of alcohols, alkyl phenols, alkyl glucosides, etc. See column 4, lines 1-35.

Additionally, erosion regulators may be used in the compositions which may control the consumption of the cleaning blocks in use in such a way that they remain effective to the end of their intended useful life. Preferred regulators are solid long-chain fatty acids, polyethylene glycols such as those with molecular weights of 1,500 to 50,000, etc., which are present in amounts from about 2% by weight to about 15% by

weight. See column 7, lines 20-40. Also, the compositions may contain inorganic salts which improve the consistency, erosion behavior, and homogeneity of the blocks. Additionally, the salts can enhance the cleaning effect of the surfactants and act as hardness-binding agents. See column 7, lines 20-69. Disinfectants may be used in the compositions including sodium percarbonate, sodium perborate, etc. Note that, the Examiner maintains that percarbonates and perborates also function as bleaching agents. See column 5, lines 1-25. Complexing agents may also be used and include aminopolycarboxylic acid, polyphosphonic acid, etc. See column 5, line 60 to column 6, line 20. Note that, the Examiner asserts that the teachings of Menke et al would suggest compositions having the same pH of the composition in aqueous solution as recited by the instant claims because Menke et al suggest compositions containing the same components in the same amounts as recited by the instant claims.

Note that, with respect to instant claim 25, this is a product by process claim; even though product-by-process claims are limited by and defined by the process, determination of patentablility is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process. In re Thorpe, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985). See MPEP 2113. Note that, the Examiner asserts that the teachings of Menke et al would suggest compositions having the same properties as recited by the instant claims because

Menke et al suggest compositions containing the same components in the same components as recited by the instant claims.

Menke et al do not teach the use of sodium acetate of a solid detergent composition containing an anionic surfactant, an alkali metal salt, alkyl polyglycoside, a nonionic surfactant, sodium acetate, polyethylene glycol, and the other requisite components of the compositions in the specific proportions as recited by the instant claims.

Lentsch et al teach a mildly alkaline detergent composition which combines a blend of nonionic surfactants that enhances cleaning waxy-fatty soils. See Abstract. The cleaning composition may be used as a laundry detergent, warewashing, CIP, Hard surface cleaner, etc., and is generally in the form of a solid block. See column 1, lines 20-35. Additionally, the compositions may include a solidifying agent to create a solid detergent mass from a blend of chemical components. These agents provide a requisite degree of solidification and aqueous solubility. Additionally, the solidification agent may provide for controlled dispensing. See column 9, lines 30-60. Suitable solidification agents include sodium acetate, etc, and these agents can be used in amounts from about 5% by weight to 35% by weight. See column 10, lines 25-50.

Roland et al teach an alkaline warewashing detergent composition that can contain a critical amount of a nonionic rinse agent that when used in automatic warewashing machines permits the use of potable water rinse without the addition of a separate rinse agent. The detergent can be in the form of a particulate, palletized, or block solid. See Abstract. Additionally, the compositions may include a solidifying

agent to create a solid detergent mass from a blend of chemical components. These agents provide a requisite degree of solidification and aqueous solubility. Additionally, the solidification agent may provide for controlled dispensing. See column 9, lines 30-60. Suitable solidification agents include sodium acetate, etc, and these agents can be used in amounts from about 0.1% to 30% by weight. See column 9, line 30 to column 10, line 46.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use sodium acetate in the cleaning composition taught by Menke et al, with a reasonable expectation of success, because Lentsch et al or Rolando et al teach the use of sodium acetate in a similar solid composition which acts as a solidifying agent which provides the required degree of solubility and dispensing properties and further, the use of these types of solidification agents to help control solubility and dispensing properties would be desirable in the compositions of Menke et al.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to formulate a solid detergent composition containing an anionic surfactant, an alkali metal salt, alkyl polyglycoside, a nonionic surfactant, sodium acetate, polyethylene glycol, and the other requisite components of the compositions in the specific proportions as recited by the instant claims, with a reasonable expectation of success and similar properties with respect to other disclosed components, because the broad teachings Menke et al in combination with Lentsch et al or Rolando et al suggest a solid detergent composition containing an anionic surfactant, an alkali metal

salt, alkyl polyglycoside, a nonionic surfactant, sodium acetate, polyethylene glycol, and the other requisite components of the compositions in the specific proportions as recited by the instant claims.

Claims 25, 26, 28, 30, 39, 40, 42, 44-48, 50, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO99/02638 in view of Lentsch et al (US 6,164,296) or Rolando et al (US 5,876,514).

'638 teaches detergent compositions, including laundry, fabric care, dishwashing, and hard surfaces cleaner compositions which provide effective and efficient cleaning of everyday body stains and/or soils and provide sanitization of the treated surfaces. See Abstract. Suitable surfaces include those such as bathtubs, toilet bowl, and dishware. See page 2, lines 1-5. The detergent compositions can be in the form of a liquid, paste, gel, bars, tablets, etc. See page 8, lines 2-35. Suitable bleaching agents include percarbonates, perborates, persulfates, etc. See page 18, lines 1-10. The detergent compositions generally comprise a surfactant system wherein the surfactant can be selected from the group consisting of nonionic, anionic, cationic, or ampholytic surfactants. See page 29, lines 30-40. The surfactant is typically present at a level of from 0.1 to 60% by weight. Suitable nonionic surfactants include the condensation products of primary and secondary aliphatic alcohols with from about 1 to about 25 moles of ethylene oxide, alkylpolysaccharides having from about 10 to about 16 carbon atoms, etc. See page 30, lines 1 to page 31, line 50. Suitable anionic surfactants include linear alkyl benzene sulfonates, etc. Suitable starting materials would include natural fatty substances as derived from tallow, palm oil, etc. See page 33, lines 30-40.

The detergent compositions may also contain one or more iron and/or manganese chelating agents including amino carboxylates, amino phosphonates, nitrilotriacetates, etc. See page 47, lines 10-40. Suds suppressors such as silicones and silica-silicone mixtures may also be used in the compositions. See page 48, lines 15-40. Other components may also be used including soil-suspending agents, optical brighteners, abrasives, etc., may be used in the compositions. See page 49, lines 10-40. Suitable polymeric materials suitable as soil-suspending agents include polyethylene glycol having a molecular weight from 1000 to 10,000. See page 50, lines 10-30. The method of cleaning is preferably carried out at 5 degrees Celsius to 95 degrees Celsius and the pH of the treatment solution is preferably from 7 to 12. See page 59, lines 1-10. Note that, the solid detergent compositions as taught by '638 may include water as an additional component. See Example 4.

Note that, with respect to instant claim 25, this is a product by process claim; even though product-by-process claims are limited by and defined by the process, determination of patentablility is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process. In re Thorpe, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985). See MPEP 2113. Note that, the Examiner asserts that the teachings of '628 would suggest compositions having the same properties as recited by the instant claims because '638 suggests

compositions containing the same components in the same components as recited by the instant claims.

'638 does not teach the use of sodium acetate or a solid detergent composition containing an anionic surfactant, an alkali metal salt, alkyl polyglycoside, a nonionic surfactant, sodium acetate, polyethylene glycol, and the other requisite components of the compositions in the specific proportions as recited by the instant claims.

Lentsch et al and Rolando et al are relied upon as set forth above.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use sodium acetate in the cleaning composition taught by '638, with a reasonable expectation of success, because Lentsch et al or Rolando et al teach the use of sodium acetate in a similar solid composition which acts as a solidifying agent which provides the required degree of solubility and dispensing properties and further, the use of these types of solidification agents to help control solubility and dispensing properties would be desirable in the compositions of '638.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to formulate a solid detergent composition containing an anionic surfactant, an alkali metal salt, alkyl polyglycoside, a nonionic surfactant, sodium acetate, polyethylene glycol, and the other requisite components of the compositions in the specific proportions as recited by the instant claims, with a reasonable expectation of success and similar properties with respect to other disclosed components, because the broad teachings of '638 in combination with Lentsch et al or Rolando et al suggest a solid detergent composition containing an anionic surfactant, an alkali metal salt, alkyl

polyglycoside, a nonionic surfactant, sodium acetate, polyethylene glycol, and the other requisite components of the compositions in the specific proportions as recited by the instant claims.

Claims 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menke et al (US 5,759,974) or WO99/02638, both in view of Lentsch et al (US 6,164,296) or Rolando et al (US 5,876,514), as applied to the rejected claims above, and further in view of Kott et al (US 6,303,556).

Menke et al, '638, Lentsch et al, and Rolando et al are relied upon as set forth above. However, none of the references teach the use of a magnesium salt of alkyl benzene sulfonate in addition to the other requisite components of the composition as recited by the instant claims.

Kott et al teach hard surface cleaning compositions which include modified alkylbenzene sulfonate surfactant mixtures. See Abstract. The alkylbenzene sulfonate surfactants can be neutralized with an suitable alkali. Thus, the neutralization step can be conducted using alkali selected from sodium, potassium, ammonium, magnesium, and substituted ammonium alkalis and mixtures thereof. Potassium can assist solubility, magnesium can promote soft water performance, and substituted ammonium can be helpful for formulating specialty variations of the of the instant surfactants.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use a magnesium salt of alkyl benzene sulfonate in the cleaning composition taught by Menke et al or '638, with a reasonable expectation of success, because Kott et al teach the equivalence of magnesium alkylbenzene sulfonate to

sodium alkylbenzene sulfonate as a cleaning surfactant, and that the use of a magnesium salt of alkyl benzene sulfonate promotes soft water performance in a similar cleaning composition and further, Menke et al or '638 teach the use of alkylbenzene sulfonate surfactants in general. Note that, the Examiner asserts that the teachings of Menke et al or '638, both in combination with Kott et al, would suggest compositions having the same molar ratio of sodium salt to magnesium salt as recited by instant claims 36 and 37.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO 99/02638 in view of Lentsch (US 6,164,296) or Rolando et al (US 5,876,514) as applied to the rejected claims above, and further in view of Surutzidis et al (US 5,858,959).

'638, Lentsch et al, and Rolando et al are relied upon as set forth above. However, none of the references teach the use of an inorganic magnesium salt in addition to the other requisite components of the composition as recited by instant claim 27.

Surutzidis et al teach glassy particles containing agents useful for laundry and cleaning products and laundry and cleaning products containing these glassy particles. See Abstract. The laundry or cleaning compositions contain a glassy particle comprising various detergent ingredients and at least one nonsoap detergent active material. See column 3, lines 40-65. Suitable additional ingredients include magnesium salts such as magnesium chloride, magnesium sulfate, etc., which may be used in amounts from 0.1% to 2% and provide additional suds and to enhance grease removal performance. See column 39, lines 1-10.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use an inorganic magnesium salt in the cleaning composition taught by '638, with a reasonable expectation of success, because Surutzidis et al teach the use magnesium sulfate in a similar solid detergent composition provides enhanced sudsing and grease removal properties and further, these properties would be desirable in the cleaning compositions taught by '638.

Claims 51-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menke et al (US 5,759,974) or WO99/02638, both in view of Lentsch et al (US 6,164,296) or Rolando et al (US 5,876,514), as applied to the rejected claims above, and further in view of Feist et al (US 6,329,335), Fry et al (US 5,225,100), or Davies et al (US 5,658,874).

Menke et al, '638, Lentsch et al, and Rolando et al are relied upon as set forth above. However, none of the references teach the use of water in the specific amounts in addition to the other requisite components of the composition as recited by the instant claims.

Feist et al teach a process for the production of detergent tablets containing surfactants, builders, and optionally other detergent ingredients. See Abstract. Additionally, water may also be used in the detergent tablets and the water may either be pure water or an aqueous solution of active ingredients and auxiliaries. See column 14, lines 25-60 and column 5, lines 15-30.

Davies et al teach detergent tablets, compacted from detergent powder containing detergent actives and detergency builder. See Abstract. A tablet is made by

compacting detergent powders containing 4.3% water, etc. See column 8, line 44 to column 9, line 25.

Fry et al teach a tablet of compacted detergent powder comprising an anionic surfactant, a detergency builder and optionally, other detergent ingredients. See Abstract. A tablet is made from detergent powder wherein the powder contains 10.4% water, etc. See column 10, lines 25-50.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use water as a component of the compositions taught by Menke et al or '638, with a reasonable expectation of success, because Feist et al, Davies et al, or Fry et al teach the use of water in a similar detergent tablet compositions and further, water is generally added to detergent tablets in combination with surfactants, builders, etc.

Claims 56-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menke et al (US 5,759,974) or WO99/02638, both in view of Lentsch et al (US 6,164,296) or Rolando et al (US 5,876,514), as applied to the rejected claims above, and further in view of Stamm (US 6,057,281).

Menke et al, '638, Lentsch et al, or Rolando et al are relied upon as set forth above. However, none of the references teach the use of cocoamidopropyl betaine in addition to the other requisite components of the composition as recited by the instant claims.

Stamm teaches a tableted household cleaning composition for cleaning glass and other hard surfaces. The cleaning composition is in tablet form and includes an

acidic component selected from the group consisting of carboxylic acid, their salts and mixtures thereof; a basic component; and polyvinyl alcohol. See Abstract. The compositions may also contain surfactants such as amphoteric surfactants. Suitable amphoteric surfactants include water-soluble betaine surfactants such as lauramidopropyl betaine and cocomido betaine. See column 4, lines 45-69. Note that, the Examiner asserts that this teaching of lauramidopropyl betaine and "cocomido betaine" would suggest cocoamidopropyl betaine as recited by the instant claims. The tableted household cleaner can be used to clean glass and other hard surfaces such as countertops and floors, surfaces in kitchens and bathrooms, etc. See column 6, lines 1-15.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to use cocoamidopropylbetaine surfactant in the compositions taught by Menke et al or '638, with a reasonable expectation of success, because Stamm teaches the use of cocoamidopropylbetaine surfactant in a similar tablet detergent compositions and further, Menke et al or '638 teach the use of amphoteric surfactants in general.

Response to Arguments

With respect to the rejection of the instant claims under 35 USC 103(a) using Menke et al or '638 (Herbots et al), Applicant states that independent claims 25 and 55 have been amended to claim that the hardening agent comprises sodium acetate and Menke et al or '638 do not teach incorporating sodium acetate into their respective blocks. In response, note that, a new ground(s) of rejection has been made as set forth

above, which was necessitated by Applicant's amendment, that uses Lentsch et al or Rolando et al as secondary references which are relied upon for their teaching of sodium acetate as hardening agents in similar solid detergent compositions. The Examiner asserts, as set forth above, that the teachings of Menke et al or '638, both in combination with Lentsch et al or Rolando et al, are sufficient to render the claimed invention obvious under 35 USC 103(a).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory R. Del Cotto whose telephone number is (571)

272-1312. The examiner can normally be reached on Mon. thru Fri. from 8:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory R. Del Cotto/
Primary Examiner, Art Unit 1796

/G. R. D./
April 26, 2008